

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1168 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- NAUHATTA District- Rohtas

UJJAWAL DUBEY Son of Diwakar Dubey R/o village- Nauhatta, P.S.-
Nauhatta, District- Rohtas at Sasaram.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brajesh Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 08-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.11.2018 passed by learned 1st Additional Sessions Judge, Rohtas at Sasarm in connection with Nauhatta P.S. Case No. 87 of 2018, registered under Sections 341, 323, 427, 504, 506, 34 of the Indian Penal Code and also under Section 3 (1) (R) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other named accused



persons namely Diwakar Dubey and Abhay Dubey are said to have dismantled the house of the informant during course of construction and extended threatening of dire consequences and asked her to leave the disputed land.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. Proceeding under Section 144 Cr.P.C. and Title Suit are pending between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He has no criminal antecedent. Similarly, situated co-accused Abhay Dubey and Diwwakar Dubey @ Diwakar Dubey have been enlarged on anticipatory bail by co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 4830 of 2018 vide order dated 05.02.2019.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Nauhatta P.S. Case No. 87 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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